

<b>NEVADA DEPARTMENT OF CORRECTIONS</b>	<b>SERIES 500 CLASSIFICATION AND MANAGEMENT OF INMATES</b>	<b>SUPERSEDES: AR 569 (09/09/02)</b>
<b>ADMINISTRATIVE REGULATIONS MANUAL</b>	<b>ADMINISTRATIVE REGULATIONS 569 CONFIDENTIALITY OF INMATE RECORDS</b>	<b>EFFECTIVE DATE: 10/10/03</b>

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### **PURPOSE**

To ensure the Department collects, maintains, and utilizes the information on individual inmates necessary to accomplish its statutory purpose and function.

To set forth departmental policy concerning access to and examination of an inmate's records.

### **AUTHORITY**

NRS 179A.090.

### **RESPONSIBILITY**

All Department staff is responsible to be aware of the kinds of information, which can be disclosed, to whom it may be disclosed, and the accountability for the information disclosed.

## **DEFINITIONS**

**CENTRAL FILE (C-FILE)** – A partial compilation of criminal records, documents, and records of correctional supervision maintained by the Offender Management Division (OMD) for the purpose of sentence management, detainers, classification, and for use in management information and statistics.

**CONFIDENTIAL INFORMATION** – Any information classified as confidential by the Department under the authority of statute and case law and is kept secret from the inmate or all other unauthorized persons, agencies or entities. Confidential information is not limited to medical and mental health information but includes information that if disclosed would:

- Endanger the health and/or safety of the subject or other persons;
- Endanger the security of any departmental facility;
- Disclose personal information pertaining to a person other than the inmate when the information would not reasonably be a part of the inmate's knowledge or experience;
- Impede an investigation or prevent the Department from accomplishing its statutory purpose and function in criminal, civil, or administrative matters; and
- Provide information required by statute to be withheld from the individual to whom it pertains.

**DISCLOSE** – To reveal, release, transmit, transfer, disseminate, or otherwise make accessible or communicate all or any part of any record orally, in writing, electronically, or by any other means to the data subject or any other person, agency, or entity by the Department.

**EMPLOYEE** – A person legally holding a position with the Department as defined in NRS 284.015.

**FILE** – Any collection of confidential or personal information regarding an individual who is maintained or retrieved by name or other identifying particular assigned to the subject of that information.

**GOVERNMENTAL ENTITY** – Any branch of the federal, state or local government.

**INMATE** – Any individual, whether in pre-trial, unsentenced, or sentenced status, who is confined in a correctional facility.

**INSTITUTIONAL FILE (I-FILE)** – The institutional file is a compilation of criminal records, documents and records of correctional supervision concerning individual inmates. This complete record is maintained where the inmate is housed.

**RECORD** – Information concerning the individual's delinquent or criminal, personal, and medical history and behavior and activities while under the care, confinement or custody of the Department.

## **APPLICABILITY**

This regulation applies to all Department staff that has access to inmate records and or inmate information.

## **PROCEDURES**

### **569.01 SECURITY OF INFORMATION**

1.1.1 Only authorized Departmental and designated contract staff will be permitted to access inmate files, in the normal course of their duties.

- Questions pertaining to file access will be directed to the Warden/designee.

1.2 Inmates are not to be used in the handling of any I-File or C-File.

1.3 To ensure security and confidentiality of records and prevent unauthorized disclosure, damaged, or destruction of information, the following procedure shall be adhered to:

1.3.1 Records will not be taken from designated storage areas unless specifically approved by institutional procedure and policy.

1.3.2 except during approved inmate transfers; under no condition will records be taken off institutional grounds without the expressed permission of the Warden/designee, and or the Correctional Case Records Manager (CCRM).

1.3.3 Central files (C-Files) will not be removed from Central Office without the approval of the Correctional Case Records Manager (CCRM).

1.3.3.1 A record system shall be developed to track such actions.

1.3.3.2 Checkout cards shall be used if the C-File is removed for longer than the end of the workday.

1.3.4 Employees will not discuss any information regarding inmates in the presence of persons not authorized to have that information.

1.3.5 Files will not be left unattended during use and will be returned to the designated storage area at the end of the workday.

## **569.02 SCREENING FILES FOR CONFIDENTIAL INFORMATION**

1.1 Prior to any file review of departmental record information by any individual not authorized to have access to confidential information;

1.1.1 The information to be reviewed will be screened by designated staff for confidentiality in accordance with departmental standards.

1.1.2 Any confidential information will be removed prior to such review and returned to the file after the review.

## **569.03 DISCLOSURE OF INFORMATION**

1.1 General

1.1.1 Information pertaining to an individual will be disclosed only when a definitive need to know has been ascertained and the identity of the requester has been verified.

1.1.2 Only those employees who have been specifically designated may disclose information in any departmental record.

1.1.3 The disclosure of information, whether written or verbal, outside the realm of an employee's duties is unauthorized.

1.2 Disclosure of information may be made to:

1.2.1 Departmental employees.

1.2.2 To attorneys or appointed guardians or conservators of inmates for the purpose of verifying/challenging the record after reasonable verification of status.

1.2.3 Public agency

1.2.3.1 To a person or to another agency where the transfer is necessary for the Department to perform its constitutional or statutory duties.

1.2.3.2 To a governmental entity when required by state or federal law.

1.2.3.3 To a law enforcement agency when required for an investigation of unlawful activity.

1.2.3.4 To another person or governmental organization when necessary to obtain information for an investigation by the Department.

1.2.3.5 To State Records.

1.2.3.6 To the Office of the Attorney General.

1.2.4 To statistical and scientific researchers for statistical purposes only.

1.2.5 To any person pursuant to subpoena, court order, or other compulsory legal process, if:

1.2.5.1 Permission from the Attorney General's Office is obtained, and

1.2.5.2 A copy of all documents submitted are provided to the Attorney General's Office.

1.3 Information, which may be released to the public or news media.

1.3.1 Department records and files pertaining to an individual are not public record and shall not at any time or under any circumstances be made accessible to the general public or the public news media.

1.3.2 Information relating to inmates that may be released may include:

1.3.3.1 Name convicted under, Department number, commitment offense(s), county of commitment(s), any pending court action of record, current location, anticipated date of release, and Parole Board actions.

1.3.3.2 Requests pertaining to interstate commitments will be referred to the Offender Management Administrator.

1.3.3.3 Refer to the Department's Administrative Regulation 120, News Media Contacts, Press releases, for further requirements.

#### **569.04 ACCOUNTING OF DISCLOSURES**

1.1 Except for those disclosures authorized in 569.03, the institution is to use a Release of Information Consent Form DOC-2021.

1.2 If the information to be released is confidential or personal and its release is not required by statute, the inmate must sign the consent form prior to the release of information. The form will be maintained in the inmate's I-File. **(3-4096)**

## **569.05 MAINTENANCE OF INFORMATION.**

1.1 All records shall be maintained to the extent possible with accuracy, relevance, timeliness, completeness, and security. This standard must be met:

1.1.1 When the information is used to make a determination about an individual inmate.

1.1.2 Prior to any transfer of the inmate or the record, the record shall be corrected and updated.

## **REFERENCES**

ACA Standard 3-4096

## **ATTACHMENTS**

Consent for Disclosure Form, DOC -2021

\_\_\_\_\_  
Jackie Crawford, Director

\_\_\_\_\_  
Date

**CONFIDENTIAL**

\_\_\_\_\_  
Yes

XX  
No

**THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES ON THIS SPECIFIC SUBJECT.**